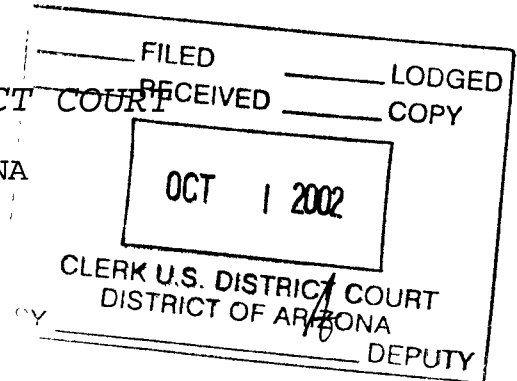


UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA



TUCSON WOMAN'S CLINIC; DAMON)
RAPHAEL, M.D.; OLD PUEBLO)
FAMILY PLANNING; WILLIAM)
RICHARDSON, M.D.; SIMAT CORP.)
d/b/a/ ABORTION SERVICES OF)
PHOENIX; ROBERT H. TAMIS, MD.)
PC; and ROBERT H. TAMIS, M.D.;)
on behalf of themselves and)
their patients seeking)
abortions,)

Plaintiffs,)

vs.)

CATHERINE EDEN in her capacity)
as Director of the Arizona)
Department of Health Services;)
JANET NAPOLITANO, in her)
capacity as Attorney General)
of the State of Arizona;)
RICHARD M. ROMLEY, in his)
official capacity as County)
Attorney for the County of)
Maricopa, and as representa-)
tive for all other prosecuting)
attorneys similarly situated)
throughout the State of)
Arizona, including without)
limitation all County, City)
and Town Attorneys,)

Defendants.)

JUDGMENT IN A CIVIL CASE

Case No. CIV-00-141-T-RCC

X **DECISION BY COURT.** This action came under consideration before the Court. The issues have been considered and a decision has been rendered.

CV 00-141-TUC-RCC

Tucson Woman's Clinic, et al vs Catherine Eden, et al

IT IS HEREBY ORDERED that:

- (1) Plaintiffs' April 30, 2001 Motion for Summary Judgment [docket #132-1] is **GRANTED**, in part, and **DENIED**, in part;
- (2) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Equal Protection Claim [docket #143-1] is **GRANTED**;
- (3) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Fourth Amendment Claim [docket #138-1] is **DENIED**;
- (4) Arizona Administrative Code regulation R9-10-1503(B)(4) is unconstitutional because it violates the Fourth Amendment to the United States Constitution;
- (5) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Informational Privacy Claim [docket #141-1] is **DENIED**;
- (6) Arizona Revised Statute section 36-2301.02(C) and Arizona Administrative Code regulations R9-10-1511(A)(4)(b) and R9-10-1511(A)(4)(c) are unconstitutional because they violate an individual's constitutional right to informational privacy;
- (7) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Unlawful Delegation Claim [docket #139-1] is **GRANTED**;
- (8) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Vagueness Claim [docket #140-1] is **GRANTED**, in part, and **DENIED**, in part;
- (9) Arizona Administrative Code regulation R9-10-1507(1) is unconstitutionally vague;
- (10) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Undue Burden Claim [docket #145-1] is **GRANTED**;
- (11) Plaintiffs' May 31, 2001 Motion to Strike Portions of Defendants' Summary Judgment Submissions (docket #154-1) is **DENIED**.

CV 00-141-TUC-RCC

Tucson Woman's Clinic, et al vs Catherine Eden, et al

(12)Plaintiff's June 29, 2001 Second Motion to Strike Portions of Defendants' Summary Judgment Submissions [docket #181-1] is **DENIED**;

(13)Defendant's June 29, 2001 Motion to Preclude Consideration of Evidence [docket #179-1] is **DENIED**;

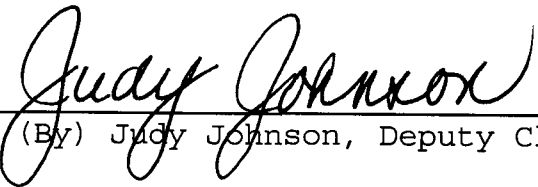
(14)Defendants are permanently enjoined from enforcing any portion of the Regulatory Scheme ruled unconstitutional by this Order.

October 1, 2002

Date

RICHARD H. WEARE

CLERK



(By) Judy Johnson, Deputy Clerk

1
Copies to: ALL PARTIES; RCC; JBOOK